

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37626 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- PUNAURA District- Sitamarhi

1. Rajesh Paswan S/O Keswar Paswan R/O Village-Girmisani, PS-Punaura, Distt-Sitamarhi
2. Kanhaiya Thakur S/O Puran Thakur R/O village- kapraul Chainpura, PS-Riga, district- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
	:	Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Punaura P.S. Case No. 36 of 2025 instituted for the offences under Sections 317(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per the F.I.R., police, on the basis of secret information that the accused persons were involved in illegal sale and purchase of arms and ammunitions, conducted raid and apprehended the petitioner and a recovery of arms and ammunitions was made from the petitioners.



4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Learned counsel further submitted that as per FIR, one loaded firearm with four live cartridges has been recovered from petitioner no. 1 whereas seven live cartridges have been recovered from petitioner no. 2. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted that petitioners have got no concern with the recovered arms and ammunitions. It has been submitted on behalf of the petitioners that the petitioners are in custody since 27.02.2025. As per paragraph no. 3 of the present bail application, petitioner no. 1 has eleven criminal antecedent, out of which he has been acquitted in eight cases, whereas petitioner no. 2 has fourteen criminal antecedents, out of which he has been acquitted in ten cases. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, charge-sheet already being submitted as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.



7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Punaura P.S. Case No. 36 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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